IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36038 of 2007(M)

PETITIONER:

K.SINABA, D/O. KODALAYIL AHAMMED,
PANDIKKAD AMSOM AND DESOM, ERNAD TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. ASSISTANT ENGINEER,
ELECTRICAL SECTION, PANDIKKAD, MALAPPURAM.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, PERINTHALMANNA,
MALAPPURAM.

3. K.T.YUSUF, S/O. ABOOBACKER,
KUNNATHODI HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.

R1&2 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.36038 of 2007

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Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner's apprehension is that electric line will be drawn over her property without approval from the District Magistrate or the Additional District Magistrate. Under Section 164 of the Electricity Act, line can be drawn over a private property only with consent or only after getting approval from the District Magistrate under Section 16(1) of the Telegraph Act. In the circumstances, W.P. is disposed of directing respondents 1 or 2 whoever is in charge, to refer the proposal with petitioner's alternate suggestion to the ADM for his approval and decision. There will be direction to the KSEB to draw the line over private property including that of the petitioner only if ADM approves it as the least inconvenient route.

C.N.RAMACHANDRAN NAIR
Judge

pms